

### REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is responsive to the Office Action of March 15, 2006, in which claims 1-4 and 6-12 are presently pending. Of those, claims 1-3, 6, 7 and 12 are now rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,672,543 to Chang, et al. In addition, claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chang. However, claims 4, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. For the following reasons, it is respectfully submitted that the application is now in condition for allowance.

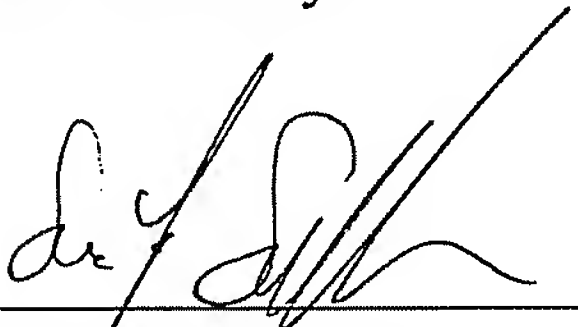
Claims 1 and 6 have been amended as set forth above to incorporate the limitations of cancelled claims 2 and 7, respectively, therein. Specifically, claims 1 and 6 recite that the counter tensile layer is selected to be the same as the first layer. Claim 3 and 8 are correspondingly amended to depend from the independent base claims 1 and 6.

Applicants have reviewed the Chang reference and respectfully submit that Chang does not in fact teach that the counter tensile layer is selected to be the same material as the first layer. As stated in column 3, lines 44-48, the counter tensile layer 42 (termed a “cap stress buffer layer” in Chang) is composed of “tungsten silicide or any other dielectric material such as titanium silicide, cobalt silicide, or the like...”. However, the first layer 24 (upon which the second layer 26 is formed) is described in Chang as a “glue layer” formed of titanium (col. 3, lines 6-14). Even where the cap stress buffer layer 42 is selected to be titanium silicide, this is still not the same as titanium. Accordingly, Chang does not anticipate the claims as amended and, as such, Applicants respectfully traverse each of the outstanding §102 and §103 rejections based on Chang, and respectfully request the same be withdrawn.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0458 maintained by Applicants' attorneys.

Respectfully submitted,  
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